

UNITED STATES OF AMERICA
JUDICIAL PANEL ON MULTIDISTRICT LITIGATION

CHAIRMAN:
Judge Wm. Terrell Hodges
United States District Court
Middle District of Florida

MEMBERS:
Judge John F. Keenan
United States District Court
Southern District of New York

Judge D. Lowell Jensen
United States District Court
Northern District of California

Judge J. Frederick Motz
United States District Court
District of Maryland

Judge Robert L. Miller, Jr.
United States District Court
Northern District of Indiana

Judge Kathryn H. Vratil
United States District Court
District of Kansas

Judge David R. Hansen
United States Court of Appeals
Eighth Circuit

DIRECT REPLY TO:

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One Columbus Circle, NE
Thurgood Marshall Federal
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October 19, 2005

Norbert G. Jaworski, Clerk
U.S. District Court
P.O. Box 249
E. St. Louis, IL 62202-0249

Re: MDL-1562 -- In re General Motors Corp. Dex-Cool Products Liability Litigation

Anthony Natale, Jr. v. General Motors Corp., D. Massachusetts, C.A. No. 1:05-11152

Dear Mr. Jaworski:

I am enclosing a certified copy and one additional copy of a transfer order filed today by the Panel in the above-captioned matter. The order is directed to you for filing.

The Panel's governing statute, 28 U.S.C. §1407, requires that the transferee clerk "...transmit a certified copy of the Panel's order to transfer to the clerk of the district court from which the action is being transferred."

A list of involved counsel is attached.

Very truly,

Michael J. Beck
Clerk of the Panel

By 
Deputy Clerk

Enclosures/Attachment

cc: Transferee Judge: Judge G. Patrick Murphy
Transferor Judge: Judge Reginald C. Lindsay
Transferor Clerk: Sarah Thornton

JPML Form 29

JUDICIAL PANEL ON
MULTIDISTRICT LITIGATION

OCT 19 2005

FILED

CLERK'S OFFICE

DOCKET NO. 1562

BEFORE THE JUDICIAL PANEL ON MULTIDISTRICT LITIGATION

**IN RE GENERAL MOTORS CORP. DEX-COOL PRODUCTS LIABILITY
LITIGATION**

Anthony Natale, Jr. v. General Motors Corp., D. Massachusetts, C.A. No. 1:05-11152

**BEFORE WM. TERRELL HODGES, CHAIRMAN, JOHN F. KEENAN, D.
LOWELL JENSEN, J. FREDERICK MOTZ, ROBERT L. MILLER, JR.,
KATHRYN H. VRATIL AND DAVID R. HANSEN, JUDGES OF THE PANEL**

TRANSFER ORDER

Presently before the Panel is a motion, pursuant to Rule 7.4, R.P.J.P.M.L., 199 F.R.D. 425, 435-36 (2001), by plaintiff in this action to vacate the Panel's order conditionally transferring the action to the Southern District of Illinois for inclusion in the Section 1407 proceedings occurring there in this docket. Defendant General Motors Corp. (GM) opposes the motion and favors inclusion of this action in the centralized pretrial proceedings.

On the basis of the papers filed and hearing session held, the Panel finds that this action involves common questions of fact with actions in this litigation previously transferred to the Southern District of Illinois, and that transfer of the action to that district for inclusion in the coordinated or consolidated pretrial proceedings occurring there will serve the convenience of the parties and witnesses and promote the just and efficient conduct of this litigation. The Panel further finds that transfer of this action is appropriate for the reasons expressed in the original order directing centralization in this docket. In that order, the Panel held that the Southern District of Illinois was a proper Section 1407 forum for actions involving allegations that the Dex-Cool engine coolant in certain GM vehicles caused significant damage to the vehicles and/or did not perform as warranted. *See In re General Motors Corp. Dex-Cool Products Liability Litigation*, 293 F.Supp.2d 1381 (J.P.M.L. 2003). Pending motions can be presented to and decided by the transferee judge. *See, e.g., In re Ivy*, 901 F.2d 7 (2d Cir. 1990); *In re Prudential Insurance Company of America Sales Practices Litigation*, 170 F.Supp.2d 1346, 1347-48 (J.P.M.L. 2001).

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IT IS THEREFORE ORDERED that, pursuant to 28 U.S.C. § 1407, this action is transferred to the Southern District of Illinois and, with the consent of that court, assigned to the Honorable G. Patrick Murphy for inclusion in the coordinated or consolidated pretrial proceedings occurring there in this docket.

FOR THE PANEL:



Wm. Terrell Hodges
Chairman

**INVOLVED COUNSEL LIST
DOCKET NO. 1562
IN RE GENERAL MOTORS CORP. DEX-COOL PRODUCTS LIABILITY
LITIGATION**

Anthony Natale, Jr. v. General Motors Corp., D. Massachusetts, C.A. No. 1:05-11152

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